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LETTER DATED 9 JANUARY 1992 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF KUWAIT TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government and in reply to the dangerous sophistries that have filled the letters of the Iraqi Chargé d'affaires a.i., including document S/23342 dated 31 December 1991 and document S/23352 dated 3 January 1992, I wish to inform you as follows:

I. With regard to the Iraqi regime's continued detention of Kuwaiti citizens and nationals of third countries, the Iraqi letter S/23352 tries to give the impression that Iraq is complying with Security Council resolutions, that it is cooperating with the International Committee of the Red Cross (ICRC) and that it has approved what was discussed at the sixth meeting of representatives of the delegations of the coalition States and Iraq under the auspices of ICRC, held on 16 and 17 October 1991. The fact is that Iraq did not at the appropriate time comply with the provisions of paragraphs 2 (c) and 3 (c) of resolution 686 (1991) and paragraph 30 of resolution 687 (1991). Iraq's failure to comply with these provisions and to cooperate with ICRC were what gave rise to the convening of the Geneva meeting. In this regard, I wish to state the following:

1. The Geneva meeting adopted the lists submitted by the State of Kuwait and the Kingdom of Saudi Arabia giving the names of prisoners and detainees as the basis for discussion. Accordingly, Iraq's attempt to mislead, deceive and delay matters by referring to lists of names that were not on the Kuwaiti or Saudi Arabian lists is a clear and blatant violation of what was agreed on at the Geneva meeting.
2. The minutes of the Geneva meeting stated that Iraq was to disseminate the names contained in the Kuwaiti and Saudi Arabian lists in the press and other media repeatedly, not just once in one newspaper, as Iraq recalls.
3. The minutes of the Geneva meeting contain the principles and procedures being followed by ICRC with regard to visits to prisons and places of detention. These principles include the following: that ICRC representatives should have the right of unrestricted access to all places of detention

regardless of type or specifications and whether military or civilian; that they should have freedom to talk with detainees and prison staff for an unrestricted period and without the presence of third parties; and that they have the right to repeat visits without prior notice.

4. Iraq expressed its reservation to these principles at the meeting and then attached conditions to them that are contained in the letter addressed to ICRC dated 11 November 1991. Those are the first four points listed in paragraph 1 (c) of document S/23352. Following the visit of the Delegate-General of ICRC to Iraq from 7 to 10 December 1991, Iraq addressed a letter dated 17 December 1991 to ICRC, requesting it to prepare a complete plan on ways and procedures for discussion of missing Kuwaiti, Saudi Arabian and other missing persons. It is clear that Iraq is not only procrastinating about approving the principles but is distorting the facts and will continue to hinder international efforts to resolve this important humanitarian problem.

5. Iraq's request for reciprocity conflicts with its obligations under the Geneva Convention of 1949 which provides that these obligations are binding upon the States parties to the Convention and do not entail reciprocity. In any event, Kuwait and the States of the coalition are strictly implementing their obligations under the Geneva Convention of 1949 and are cooperating with ICRC, as is testified by the minutes of the Geneva meeting. This includes Kuwait's implementation of the principles and procedures followed by ICRC with regard to its visits to places of detention and prison.

II. With regard to Kuwaiti police posts, which are enumerated in the letter from the Iraqi Chargé d'affaires a.i. contained in document S/23342, I wish to state the following:

1. Kuwait accepted the proposal of the Command of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) to establish a "reasonable distance" extending 100 metres on either side of the frontier line shown on the UNIKOM map in order to avoid friction and incidents on the condition of Iraq's acceptance of the proposal. However, Iraq rejected this proposal.

2. Kuwait has to date established 12 police posts in its territory, following coordination with the UNIKOM Command. In this regard, reference may be made to paragraph 24 of the report of the Secretary-General contained in document S/23106.

3. As a result of this coordination, the posts observe the principle of "reasonable distance" that was proposed by UNIKOM, except for the Abdali post.

4. Iraq has not only rejected the principle of "reasonable distance" but insists on maintaining five police posts inside Kuwaiti territory and two very close to the frontier line shown on the UNIKOM map. Iraq also refuses to remove these seven posts, in spite of UNIKOM efforts. In this regard, reference may be made to paragraph 23 of the Secretary-General's report contained in document S/23106.

To sum up, Iraq rejects the UNIKOM proposal on "reasonable distance" - whereas Kuwait accepts it - and establishes police posts in the demilitarized zone on both sides of the frontier line, including the Kuwaiti side. Then it proceeds to accuse Kuwait of creating foci of tension and friction by establishing police posts that are all inside Kuwaiti territory and under Kuwait's responsibility for the maintenance of security and coordination with UNIKOM.

III. With regard to the return of all Kuwaiti property seized by Iraq and Iraq's practices in the Border Demarcation Commission, our letter contained in document S/23261 dated 3 December 1991 clarifies this matter, and no further comment is needed.

The Security Council resolutions concerning the situation between Iraq and Kuwait, in particular resolutions 686 (1991) and 687 (1991) lay down just and sound bases for security and stability in the region, but the character of the Iraqi regime, its failure to desist from policies of aggression and its failure to commit itself to the peaceful and immediate implementation of the international will is a stumbling block obstructing the aspirations of the peoples of the region to live in peace and prosperity.

I should be grateful if you would have this letter circulated as an official document of the Security Council.

(Signed) Mohammad Saad AL SALLAL
